REMARKS

Claim 70 has been cancelled. Claims 2-3, 7-9, 11, 13-18, 27-33, 40 and 68-69 remain in the application. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

Objections to the Claims

Claims 7, 27, 69 and 70 were objected to because of certain informalities. In response thereto, Applicant has amended these claims exactly according to the Examiner's suggestions. For this reason, Applicant believes that this objection has been overcome and respectfully requests that it be withdrawn.

Claim Rejections

Rejections Under 35 U.S.C. § 112

Claims 27, 69 and 70 were rejected under 35 U.S.C. § 112, as being indefinite. Applicant has amended claim 69 to recite that the criteria are submitted to the promoter and are submitted by an advertiser. Applicant has also amended Claims 27 and 70 limit the "objective factor" to a number between 0 and 1, pursuant to the examiner's suggestion. For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 68 and 7 were rejected under 35 U.S.C. § 102(b), as being anticipated by Frengut

et al, US Pub No: 2002/0046099.

Applicant has amended Claim 68 (from which Claim 7 now depends) to include the limitations of: "determining when a user has opted-in to receiving information from the advertiser" and "billing the advertiser, for each user that has opted-in to receiving information from the advertiser, an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor, the objective factor being a number between 0 and 1, that indicates a quality of the user information."

Frengut discloses a system in which the fees are calculated simply by determining the number of viewers or the number of sales made as a result of the advertisement. (See, e.g., ¶[0052]) Frengut completely fails to disclose a system in which the advertiser is billed based on a maximum amount that is discounted by a factor that is indicative of the quality of the user information transferred to the advertiser.

For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 9, 27 and 69-70 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Frengut et al. Applicant has amended Claims 27 and 69 to include the limitations of determining when a user has opted-in to receiving information from the advertiser" and "billing the advertiser, for each user that has opted-in to receiving information from the advertiser, an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor, the objective factor being a number between 0 and 1, that indicates a quality of the user information."

As discussed above, Frengut teaches a completely different compensation scheme that is

based on a specific number of viewers to advertisement or based on a specific number of sales made through the advertisement. However, in some cases, such as when the user purchases a corresponding product through a retail store, the system disclosed in Frengut would not bill the advertiser at all. In other cases, such as when a user who is unlikely to purchase anything from the advertiser views an ad, the system of Frengut would still bill the advertiser.

The present invention, on the other hand, predicts the likelihood that a user will purchase from the advertiser based on objective criteria and then bills the advertiser according to that prediction. The system recited in the claims bills the advertiser based on the quality of the information sent about the user to the advertiser. Such a quality determination is a predictor of the likelihood that the user will purchase from the advertiser. Thus, the advertiser is billed more when the information provided to the advertiser about the user is more likely to result in a sale than when the information is less likely to result in a sale. Therefore, the present invention has the advantage of billing the advertiser more accurately based on a prediction of the likelihood of a sale being made as a result of the information provided to the user.

For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Claims 2-3, 17-18 and 32-33 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Frengut et al. in view of French et al US Pat No: 6,282,658.

French does not teach or suggest the limitations added in the claims from which Claims 2-3, 17-18 and 32-33 depend. Therefore, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Claims 13-15 and 28-30 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Frengut et al. in view of Brierley et al, US Pub No: 2002/0161779.

Brierley teaches only the collection of data to provide "selection criteria for a future promotion." (¶[0079]) Thus, Brierley teaches only to assemble data to decide where to direct

future promotions. It completely fails to use such data in determining how much to bill an advertiser. Thus, the combination of Brierley with Frengut still would not result in the present invention.

For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Claims 11 and 40 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Frengut et al. in view of Official Notice.

Nothing in the Official Notice would indicate that a combination of the Official Notice with any of the other cited references would teach or suggest the predictive billing system recited in the amended independent claims.

For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Claims 16 and 3 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Frengut et al. in view of Koningstein US Pub No: 2005/0096979.

Koningstein teaches only selection of a maximum cost per click in a click-based billing system. (See, e.g., ¶[0081]) Nothing in Koningstein would indicate that a combination of the Official Notice with any of the other cited references would teach or suggest the predictive billing system recited in the amended independent claims.

For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

Extension of Time Petition

A one month Extension of Time is hereby requested. Payment for the Extension will be effected at the time of electronic filing.

CONCLUSION

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 503535.

01/30/2009
Date

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